

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Case No. 01-01139-AMC
	:	(Jointly Administered)
W.R. Grace & Co., et al.,	:	
	:	Chapter 11
	:	
Reorganized Debtor	:	

ORDER

AND NOW, this 16th day of February, 2021, the Court directs W.R. Grace & Co. (“Grace”) to:

1. serve upon Home Saving Termite Control, Inc. (“Termite Control”) by first-class mail within three (3) days of this order, its Motion for Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 for Disallowance of ... Related Claims, Nos. 382 [sic] and 4070 Filed by Home Saving Termite Control, Inc., and Wayne Morris, Respectively (“Motion for Summary Judgment”), Memorandum of Law, and notice of Motion for Summary Judgment with a response deadline of fourteen (14) days from the date of service and, in the event that a timely response is filed by Termite Control, a telephonic hearing date of March 16, 2021 at 11:00 am to the following address in Termite Control’s proof of claim number 387:

Prindle, Decker & Amaro
310 Golden Shore, 4th Floor
Long Beach, CA 90802;
2. serve upon Wayne Morris (“Mr. Morris”) by first-class mail within three (3) days of this order its Motion for Summary Judgment, Memorandum of Law, and notice of Motion for Summary Judgment with a response deadline of fourteen (14) days

from the date of service and, in the event that a timely response is filed by Mr.

Morris, a telephonic hearing date of March 16, 2021 at 11:00 am¹ to the following

address in Mr. Morris's proof of claim number 4070:

Prindle, Decker & Amarro
c/o Gary E. Yardumian
310 Golden Shore, 4th Floor
Long Beach, CA 90802;²

3. file a certificate of service within three (3) days of serving Termite Control and Mr. Morris reflecting compliance with ¶¶ 1 and 2; AND
4. by March 1, 2021, file with the Bankruptcy Court, and serve upon Termite Control and Mr. Morris, materials in the record showing which causes of action against Termite Control and Mr. Morris in the litigation captioned *TIG Insurance Company v. Gary Smolker et al.*, Case No. BC 173952 (Los Angeles County Sup. Ct.) remained as of April 2, 2001, the date of Grace's bankruptcy filing ("Petition Date"), for purposes of calculating the applicable statutes of limitation.³



Ashely M. Chan
United States Bankruptcy Judge

¹ If no response is timely filed and served, the Bankruptcy Court may grant the relief requested in Grace's Motion for Summary Judgment without further notice or hearing.

² Service of Grace's Motion for Summary Judgment and Memorandum of Law upon Termite Control and Mr. Morris was made by first-class mail to: "Prindle, Decker & Amaro, 310 Golden Shore, 4th Floor, P.O. Box 22711, Long Beach, CA 90801." Because there are differences between this address and the addresses listed on proofs of claim 387 and 4070, such as the zip code, the addition of a P.O. Box, the spelling of "Amaro," and the omission of the attorney who should receive the filing, the Court finds it appropriate in an abundance of caution to have Grace re-serve the Motion for Summary Judgment, Memorandum of Law, and notice in accordance with how the addresses appear on the respective proofs of claim in accordance with Federal Rules of Bankruptcy Procedure 3007(a) and 9013. To the extent the zip code on the proofs of claim, 90802, is not accurate, Grace may replace it with the correct zip code.

³ The Court finds the current record is unclear regarding which causes of action remained against Termite Control and Mr. Morris as of the Petition Date.